

Civil Liberties and Civil Rights Outline Handout

Supreme Court

1. Nine members—appointed by the President—approved by the Senate
2. Serve a life term
3. Members
 - A. Chief Justice—**John Roberts**
 - B. 6 of 9 appointed by Republicans
 - C. **Clarence Thomas**—2nd African American—Conservative—opposes affirmative action
 - D. **Ruth Ginsberg**—most liberal
 - E. **Anthony Kennedy**—Swing Vote
 - F. Conservative—Clarence Thomas, Antonin Scalia, John Roberts, Samuel Alito
 - G. Liberal—Ruth Ginsberg, Stephen Breyer, Sonia Sotomayor, Kagan??
4. Judicial Review—established in **Marbury v. Madison**—court can rule on any law or Case
 - A. **Original Jurisdiction**—cases that start and end with the Supreme Court
 - i. Cases between states
 - ii. Cases that affect ambassadors or public ministers
 - B. **Appellate jurisdiction**—cases by appeal
 - i. Most come for the highest state courts or the court of appeals
 - ii. Most by writ of certiorari
 - asks the court to review the records
 - four justices must agree to hear the case
 - only about 4% of appeals are heard
 - a main criterion involved is if the case involves a constitutional issue
 - iii. **Certificate**—a lower court asks the SC to certify and provide an answer to a question
5. Procedure
 - A. Court cases are heard from October to May
 - B. Usually hear cases for two weeks and work for two weeks
 - C. **Briefs**—written arguments that must be filed before a case may be heard
 - D. Oral Arguments—each side gets 30 minutes—justices interrupt many times
Thurgood Marshall was interrupted 127 times in Brown v Board
 - E. **Solicitor General**—argues most cases for the government—works with the Department of Justice—sometimes Attorney General will argue a case
 - F. **Informa pauperis**—the court appoints an attorney—Gideon case—Abe Fortas
 - G. **Amicus curia**—(friend of the court) are briefs filed by people interested in the case—the court must agree to accept them—include many cases involving abortion, Title IX
 - H. Wednesdays and Fridays—the court debates the case—starting with a Handshake

I. Debates are led by the Chief Justice and go by seniority

J. Opinions

i. **Majority**—written by Chief justice or senior justice of the majority—justices get to see the draft as it is being written and may still

change their vote—majority opinion become law

ii. **Concurring**—written by a member of the majority who has a special point to make

iii. **Dissenting**—written by the justices of the minority explaining why they disagree with the decision

6. Selection of Appointees

A. Political Philosophy is number one

B. Other factors include: age—under 60, experience, knowledge of Constitutional law, and historically race, religion, etc

C. Once confirmed—President has no control

7. **Judicial Precedent**—court decisions have the force of law—like cases must be decided the same way